

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

South Shore Savings Bank, Successor By
Merger to South Weymouth Savings Bank,

Plaintiff

v.

Joel K. Logan, Individually and as Trustee of
Crestview Management Trust; Mary Ellen
Logan, Individually and as Trustee of
Crestview Management Trust; Massachusetts
Department of Revenue; J. Glabb, LLC as
Assignee of King David Trust; Cirelli Foods,
Inc.; Internal Revenue Service, Jonathan
Bashein as Assignee of Nixon Peabody, LLP;
Robert J. Griffin, Esq.; The Commonwealth of
Massachusetts; The Commonwealth of
Massachusetts by its Department of Public
Health; Healthcare Capital Resources, Inc., and
HCFP Funding, Inc., Successor in Interest to
Health Partners Funding, L.,

Defendants

CIVIL ACTION
NO. 05-11754 RGS

**STATEMENT OF NO OPPOSITION TO J GLAB,
LLC'S MOTION FOR SUMMARY JUDGMENT**

Defendants, Robert J. Griffin, Temporary Receiver of five Massachusetts nursing home facilities (the "Receiver")¹, Thomas F. Reilly, Attorney General of the Commonwealth of Massachusetts (the "Attorney General"), and the Commonwealth of Massachusetts, by its

¹ Attorney Griffin was appointed temporary receiver of Logan Healthcare Facility, Inc. d/b/a Logan Nursing and Rehabilitation Center; Elihu White Nursing Home d/b/a Elihu White Nursing and Rehabilitation Center; Pond Meadow Healthcare Facility, Inc., d/b/a Pond Meadow Healthcare Facility; Atrium Healthcare Facility, LLC, d/b/a Atrium Nursing Center; and Crestview Healthcare Facility, Inc.

Department of Public Health (collectively, the “Receiver/State Defendants”) disclaim any entitlement to the surplus proceeds that are the subject of the above-captioned interpleader action (the “Surplus Proceeds”) due to the fact that the lien held by defendant J. Glab LLC (“Glab”) appears, based on documents of record, to be superior. If Glab is unsuccessful in its claims in this case, however, the Receiver/State Defendants maintain their interest in the Surplus Proceeds subject to any superior liens of other defendants. The Receiver/State Defendants do not waive, and expressly maintain the right to pursue, any claims they may have against Glab and any other defendant in this action.

Respectfully submitted,

ROBERT J. GRIFFIN, ESQ., TEMPORARY
RECEIVER,
By his Attorneys

/s/ Anthony J. Cichello

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GENERAL OF THE COMMONWEALTH OF
MASSACHUSETTS

/s/ David Hadas

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Dated: December 22, 2005
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